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Commission on the Status of Women
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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

United States of America: revised draft resolution

The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolution:

Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and all other relevant international human rights and international humanitarian law instruments,

Guided also by the Beijing Declaration and Platform for Action and the further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted by the General Assembly at its twenty-third special session,

Recalling that Afghanistan is a party to the Convention on the Prevention of the Crime of Genocide,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Rights of the Child,[4] and the Geneva

[1] General Assembly resolution 260 A (III), annex.
[2] General Assembly resolution 2200 A (XXI), annex.
[3] General Assembly resolution 39/46, annex.
[4] General Assembly resolution 44/25, annex.

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Conventions of 12 August 1949[5] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[6]

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and must fulfil their international legal obligations under international instruments to which they are a party and under customary international law,

Recalling the importance of the implementation of Security Council resolution 1325 (2000), on women, peace and security, in the Afghan situation,

Recalling also the statement by the President of the Security Council on 31 October 2001, on women, peace and security,

Welcoming the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001,

Welcoming also the efforts of Afghan women to participate actively in civil society, as evidenced by the Afghan Women's Summit for Democracy, held in Brussels on 4 and 5 December 2001, the celebration of International Women's Day in Afghanistan, the round table on building women's leadership in Afghanistan convened by the United Nations Development Fund for Women and the Government of Belgium, held in Brussels on 10 and 11 December 2001, and the Brussels Action Plan on Afghan women's participation in the reconstruction of Afghanistan, adopted at the round table,

Welcoming further the international commitments expressed at the International Conference on Reconstruction Assistance to Afghanistan, co-chaired by the Government of Japan, the Government of the United States of America, the Government of Saudi Arabia and the European Union, held in Tokyo on 21 and 22 January 2002,

Welcoming the efforts of Afghanistan's neighbouring countries, who have hosted so many Afghan refugees, especially women and children, and have provided humanitarian assistance in many areas such as education, health and other basic services,

Welcoming also developments in Afghanistan that will contribute to the creation of conditions that will allow all Afghans, especially women and girls, to enjoy inalienable rights and freedoms and fully participate in the reconstruction and development of their country,

Welcoming further the commitment of the Afghan Interim Administration to the active participation of Afghan women of all ages in political, economic and social life, to the education of girls as well as boys and to the right of women to work outside the home,

Welcoming the inclusion of women in the Afghan Interim Administration and in the twenty-one-member Special Independent Commission for the Convening of the Emergency Loya Jirga, and stressing the importance of promoting opportunities

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[5] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[6] General Assembly resolution 34/180, annex.

for the full and effective participation of women in all decision-making processes regarding the future of Afghanistan,

Welcoming also the signing of the Declaration of the Essential Rights of Afghan women, by the Chairman of the Afghan Interim Administration,

Welcoming further the fact that the United Nations Immediate and Transitional Assistance Programme for the Afghan People 2002 reflects the needs of, and importance of the role to be taken by, women and girls in the process of peace-building, reconstruction and development,

Expressing its appreciation for the international community's support of and solidarity with the people of Afghanistan, particularly its women and girls, during the Taliban rule and since the creation of the Afghan Interim Administration,

Encouraging the members of the international community, including non-governmental organizations, to continue efforts to draw attention to the situation of Afghan women and girls and to promote the immediate restoration of their ability to enjoy their human rights,

Recognizing that special attention must be directed at the promotion and protection of the human rights and fundamental freedoms of women and girls in Afghanistan, including the right to freedom from discrimination,

Recognizing also that women's effective participation in civil, cultural, economic, political and social life should be promoted and protected throughout Afghanistan, including respect for the right of women to work, their right to education, to security of person, to freedom of movement and association, to freedom of opinion and expression and to equal access to facilities necessary to attain the highest standard of physical and mental health,

Recognizing further that Afghan women are primary stakeholders and agents of change, who must have the opportunity to identify their own needs and priorities in all sectors of society in order to become full partners in the rebuilding of their society,

Recognizing the need for the international assistance community to ensure the mainstreaming of the gender perspective in all its activities and that it proceed in a sensitive way giving Afghan women a stake in the process,

Recognizing that Afghan non-governmental organizations, including women's organizations, have played a valuable role in the provision of basic services and in the delivery of humanitarian assistance and that they should continue to be important partners in the future recovery and reconstruction process,

Mindful of the continued fragile humanitarian situation in Afghanistan and the importance of ensuring continued humanitarian assistance and protection for vulnerable Afghan civilians,

Bearing in mind that a safe environment, free from violence, discrimination and abuse for all Afghans is a precondition for a viable and sustainable recovery and reconstruction process,

1. *Welcomes* the commitments made by the Afghan Interim Administration to recognize, protect, promote, and act in accordance with all human rights and

fundamental freedoms, in accordance with international human rights instruments, and to respect international humanitarian law;

2. *Welcomes with appreciation* the report of the Secretary-General to the Commission on the Status of Women on the situation of women and girls in Afghanistan;[7]

3. *Welcomes* the establishment of the Ministry of Women's Affairs by the Afghan Interim Administration, and encourages the international community to provide funding and technical assistance so that the Ministry can develop the capacity to act as a catalyst for gender mainstreaming throughout the Government, while also encouraging the Interim Administration to provide the necessary assistance to enable the Ministry to function effectively;

4. *Urges* the Afghan Interim Administration to continue to take measures towards ensuring:

(a) The repeal of all legislative and other measures that discriminate against women and girls and impede the realization of their human rights and fundamental freedoms;

(b) The effective participation of women of all ages in civil, cultural, economic, political and social life throughout the country;

(c) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(d) The equal right of women to work and their reintegration in employment in all segments and at all levels of the Afghan society;

(e) The right of women and girls to physical security and for bringing to justice those responsible for attacks on women and girls;

(f) Freedom of movement for women and girls;

(g) The effective and equal access of women and girls to the facilities necessary to achieve the highest attainable standard of physical and mental health;

(h) Full support for the participation of women in the Special Independent Commission for the convening of the Emergency Loya Jirga and in the Loya Jirga itself;

(i) That all ministries provide women with an equal opportunity for employment and develop the capacity to mainstream a gender perspective in their programmes;

(j) That women are well-represented as members of the Judicial Commission, the Civil Service Commission and the Human Rights Commission and that a gender perspective is taken into consideration when developing the mandates of those commissions;

(k) That the work of the Afghanistan Human Rights Commission is underpinned by international human rights standards and integrates women's rights in its mandate;

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[7] E/CN.6/2002/5.

(l) That all feasible measures are taken to provide a safe environment free from violence to facilitate the voluntary return of refugees and displaced persons;

(m) A study and formulation of appropriate remedial measures are undertaken concerning the impact on women and girls of the existing legal system, including with regard to family law, divorce, property and inheritance rights;

(n) Consideration of ratification of the Convention on the Elimination of All Forms of Discrimination against Women and of signing and ratifying its Optional Protocol;

5. *Encourages* the continuing efforts of the United Nations and its agencies, guided by Security Council resolution 1325 (2000) on women, peace and security, to:

(a) Fully support the Afghan Interim Administration regarding the participation of women;

(b) Provide support to ministries to help develop their capacity to mainstream a gender perspective into their programmes;

(c) Support capacity-building for Afghan women to enable them to participate fully in all sectors;

(d) Provide technical assistance so that the judicial system has the capacity to adhere to international standards of human rights;

(e) Develop and implement a programme of human rights education to promote respect for and understanding of human rights, including the human rights of women;

6. *Invites* the United Nations system, international and non-governmental organizations, multilateral and bilateral donors, to:

(a) Ensure a human rights-based approach and gender-mainstreaming in all programmes and operations, based on the principles of non-discrimination and equality between women and men, and ensure that women benefit equally with men from such programmes in all sectors;

(b) Develop comprehensive and coherent gender policy and programmes in Afghanistan and strengthen inter-agency mechanisms for coordination and cooperation;

(c) Ensure the participation of Afghan women in all stages of programming, including planning, implementation and monitoring;

(d) Promote employment of Afghan women, including in management positions, and support women's freedom of movement and security in their employment with the assistance community;

(e) Support the elements of civil society active in the field of human rights, in particular women's rights;

(f) Encourage the involvement of Afghan women in all phases of reconstruction;

7. *Calls upon* the international community to continue to provide financial and technical assistance, including human rights education, to protect the human rights

of women and girls and to support initiatives to end violence against them and to increase their economic security, as well as to strengthen the capacity of Afghan women to fully and effectively participate in conflict resolution and peace-building efforts and in civil, political, economic, cultural and social life;

8. *Stresses* the importance of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan giving special attention to the human rights of women and girls and fully incorporating a gender perspective in his work, and encourages cooperation between the other Special Rapporteurs of the Commission in this regard;

9. *Calls upon* the Afghan Interim Administration to take all feasible measures to ensure the safety and security of all humanitarian workers in Afghanistan, whether employed by Governments, international organizations, non-governmental organizations or the International Red Cross and Red Crescent Movement, so that they can, regardless of gender, carry out their work unhindered;

10. *Requests* the Secretary-General to continue to review the situation of women and girls in Afghanistan and to submit to the Commission on the Status of Women at its forty-seventh session a report of progress made in the implementation of the present resolution.